United Nations CEDAW/C/AGO/Q/7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-second session
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Angola

General

1. Please provide detailed information about the process of preparing the report (CEDAW/C/AGO/7), including which government ministries and institutions were involved and the nature and extent of the involvement of parliament and non-governmental organizations.[1]

Legislative framework

2. The Committee notes that, in article 13, paragraph 1, of the Constitution of Angola, it is stipulated that general or common international law, received pursuant to the Constitution, forms an integral part of the Angolan legal system and that Act No. 14/11, on international treaties, constitutes the basis for the application of human rights instruments by courts in Angola (para. 6). Please state whether the provisions of the Convention may be applied directly by the courts and provide examples of court cases or instances, if any, in which national courts have interpreted national law in line with the Convention.

3. Please provide information on steps taken to adopt a comprehensive anti-discrimination law containing an explicit prohibition of discrimination on the basis of sex and a definition of discrimination against women encompassing direct and indirect discrimination in both the public and the private spheres, in line with articles 1 and 2 (b) of the Convention and in accordance with target 5.1 of the Sustainable Development Goals, namely, to end all forms of discrimination against all women and girls everywhere.

[1] Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party (CEDAW/C/AGO/7).

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Visibility and dissemination of the Convention

4. Please explain what measures, in addition to those described in paragraphs 8 and 17 (d) of the report, have been taken to ensure that the Convention is better known and applied by parliament, the Government and the judiciary, as recommended by the Committee in its previous concluding observations (CEDAW/C/AGO/CO/6, para. 8). Please also provide information on any training for judges, prosecutors, lawyers and other actors responsible for the implementation of the Convention, and on initiatives to disseminate the Convention.

Access to justice

5. The State party indicated in the report that Act No. 2/15, on the principles and rules for the organization and operations of the courts of ordinary jurisdiction, adopted as part of the justice and legal reform programme (para. 11), was aimed at making the administration of justice more expeditious, effective and accessible to citizens by expanding the geographical accessibility of courts. Please provide information on how the reform has contributed to increasing access to justice for women, including women and girls with little or no income.

6. In article 23, paragraph 1, of the Constitution, it is established that everyone is equal under the Constitution and by law, and in paragraph 2, discrimination on the basis of sex is prohibited. However, according to information received, customary law still prevails over civil law, in particular in rural areas. What measures are envisaged to resolve inconsistencies between statutory law and customary law and to address practices that discriminate against women and girls? In the report, it is indicated that, in addition to the justice system, the Constitution also provides for extrajudicial conflict resolution mechanisms (para. 14). Please provide information on the areas of law to which those mechanisms apply. Please also provide data, disaggregated by sex and age of the persons involved, on the number, nature and outcome of cases involving discrimination against women that were decided by way of extrajudicial conflict resolution mechanisms during the reporting period. Please explain how the use of such mechanisms is in line with the Committee's general recommendation No. 33 (2015) on access to justice and, in particular, with the obligations to ensure unrestricted access to judicial and other remedies for women in all areas of law and to prevent impunity.

Women and peace and security

7. The Committee takes note of the adoption of the national plan of action for the implementation of Security Council resolution 1325 (2000) (para. 55). Please provide information on the measures taken in accordance with that plan to remove obstacles to the participation of women in the prevention, management and resolution of conflicts, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

National machinery for the advancement of women

8. The Committee takes note of the national policy for gender equality and equity. Please provide information on the human, technical and financial resources allocated to implement the policy. Please also describe the impact on women's rights of the following activities under the policy: (a) the first gender country profile for Angola; (b) the gender budgeting workshop; and (c) the development of a gender index for Angola (para. 26). Please indicate which institutions are in charge of gender equality at the regional, municipal and community levels and how coordination is ensured between them and the Ministry of Family and the Promotion of Women, in particular coordination with the multisectoral councils (para. 26 (n)). Please provide

information on the mandate of the Office of the Ombudsman (para. 60) to promote and protect women's rights and gender equality. Please also explain how the independence of the Office is guaranteed and describe its relationship with the judiciary.

Discriminatory gender stereotypes and harmful practices

9. In the report, the State party indicated that it had worked together with traditional authorities (*sobas*) to change discriminatory gender stereotypes (para. 101). Please provide detailed information on the nature of that work, including the actions taken, the stakeholders involved and the results obtained. Please provide information on the progress achieved in adopting the proposed national strategy for the prevention of early pregnancy and marriage (para. 108) and on the number of investigations, prosecutions, convictions and acquittals and the sentences imposed under the Domestic Violence Act in cases of forced marriage (para. 106). Please provide information on the measures taken to eliminate the harmful practice of female genital mutilation in all regions of the State party, in particular among refugee and migrant women and girls.

Gender-based violence against women

10. The Committee takes note of the executive plan to combat domestic violence (para. 37). Please indicate whether the draft plan: (a) encourages women to report acts of violence; (b) ensures the prosecution of perpetrators; (c) provides victims with protection, remedies and rehabilitation, including legal, medical and psychological support; and (d) provides for capacity-building and awareness-raising programmes for the judiciary, the police, lawyers, health and social workers and the general public, in particular women. Please provide information on the role of the multisectoral councils in implementing the plan.

11. Please clarify the information provided in the report by providing the following information: (a) with regard to figure 1, the number of cases reported to the police, how many of them led to prosecutions, convictions or acquittals, and whether compensation was awarded to the victim; (b) figure 2, define the role of the different entities and how coordination is ensured in the implementation of the plan of action; and (c) figure 3, describe how the relevant actors follow up on the cases reported to the helpline. It is indicated in the report that Section 9 of the Ordinary Crimes Division of provincial courts was created to deal with matters relating to domestic violence (para. 44). Please provide information on the percentage of provincial courts that have such a specialized section to address cases of domestic violence and on the number of cases they have handled and their outcomes.

Trafficking and exploitation of prostitution

12. Please provide updated, disaggregated data on the number of complaints, investigations and sentences imposed and on the reparations made in cases of trafficking in persons, especially women and girls, since Act No. 3/14, on the criminalization of offences underlying money-laundering, entered into force (para. 110). Please provide information on the funding of shelters and legal, medical and psychological services for women and girls who have been victims of human trafficking. Please respond to the allegations of the complicity of law enforcement officers in trafficking cases and indicate whether there are any ongoing investigations to examine such allegations.

13. Please provide data disaggregated by sex on the extent and forms of exploitation of prostitution in the State party and indicate whether any perpetrators have been prosecuted or punished for exploitation of women in prostitution. Please also describe

the protection available and reparations provided to victims, and provide information on the social services and exit programmes available to women who wish to leave prostitution and on the measures taken to reduce demand for prostitution.

Participation in political and public life

14. The Committee notes that, in spite of the Political Parties Act, under which it is required that women make up at least 30 per cent of the candidates put forth by political parties taking part in general elections (para. 118), the representation of women in elected positions remains low (figure 6), and that the number of women in Parliament has recently dropped from 38.2 per cent to 26.5 per cent. Please explain that decrease and provide information on measures taken or envisaged to accelerate the full and equal participation of women in decision-making positions in political and public life. Please also indicate whether the State party has considered adopting temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to increase the participation of women in political life, including the measures taken to increase the number of women in appointed positions. Please provide information on the presidential decree on non-governmental organizations of 2015 and explain whether it is compatible with the State party's commitments under the Convention. Please provide information on all measures available to protect women human rights defenders and ensure that they may freely advocate women's rights and gender equality.

Nationality and citizenship

15. It is indicated in the report that amendments to the Civil Registry Code, which regulates birth registration, have served to expedite the process of acquiring an identity card, given that any citizen whose birth has not been registered may register for free (para. 125). Please provide updated data, disaggregated by sex and age, on the total number of Angolans currently holding a valid identity card.

Education

16. Please describe the impact of the increase in the State party's expenditure on education, in particular in terms of increasing the number of teachers, improving the quality of teacher training, school facilities and textbooks, and reducing illiteracy among women and girls. In the report, reference was made to the development of a strategy in provincial education directorates to prevent girls from being excluded from the education system (para. 132). Please provide information on the progress achieved in adopting such a strategy and on measurable outcomes. Please explain the decline in the participation of girls at the lower secondary level during the reporting period and indicate any measures that the State party has taken to reverse that trend (para. 134). Please indicate whether the national education plan includes education on gender equality and respect for the rights of lesbian, bisexual and transgender women and intersex persons.

Employment

17. The Committee takes note of the adoption of the General Labour Act in 2015. Recalling the State party's obligations under articles 2 and 11 of the Convention and its commitment to meeting target 5.1 of the Sustainable Development Goals, please provide data disaggregated by sex on: (a) the number of inspections carried out under the Act or other laws in relation to discrimination against women; (b) the nature of the violations recorded and the penalties imposed; and (c) the number of workers earning the minimum wage. Please describe the impact of presidential decree No. 155/16, by which a legal and social protection scheme for domestic workers was

established, on regularizing the employment of those workers. Please provide information on measures taken to enhance opportunities for women to enter the formal employment sector and on measures taken to eliminate the gender pay gap in both the public and private sectors.

Health

18. Please provide updated information on the State budget used for health expenditure and on how the reported cuts (para. 158) have affected access for women and girls to health-care services, in particular in rural areas. Please provide information on specific measures taken or envisaged to urgently address the high rates of maternal mortality and neonatal mortality in the State party. Please provide information on the impact of the national sexual and reproductive health plan (paras. 166, 169 and 170) on the health of women and girls. Please also indicate whether abortion is legalized in the proposed amendment to the Criminal Code, at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe foetal impairment (para. 172). Please provide updated information on the progress made in the adoption of the national strategy for the prevention of early pregnancy and marriage (para. 108). Please also provide information on the implementation, monitoring and evaluation of the national strategy to combat HIV/AIDS, 2012–2014, and indicate whether any extension of the programme is envisaged (para. 179).

Social and economic benefits

19. Please indicate whether gender equality is an explicit component of the national development plan covering the period 2018–2022. Please indicate the measures taken to guarantee that family allowances are paid to women and men alike, to reduce poverty among women and to increase their access to microcredit in urban and rural areas.

Climate change and natural disasters

20. Please state the measures taken to integrate disaster risk reduction into development processes and to counter the adverse impact of climate change. Please indicate whether the State party plans to incorporate a gender perspective into national disaster management and relief and recovery strategies in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

Rural women

21. Please provide information on the implementation of the gender-specific goals set out in the national development plan (para. 186) and on measures to enhance the participation of rural women in developing policies in areas that affect them, including access to land, farm inputs and food crops. Please also provide information on the steps taken to ensure that rural women have better access to social security benefits, health services, education, electricity and income-generating opportunities, including access to markets. Please also provide information on the measures in place to facilitate access for women to land and to eliminate all customs that impede equal access to land, in particular for agricultural use, and to ensure access to safe drinking water and adequate sanitation.

Disadvantaged groups of women

22. Please comment on the reports that migrant and asylum-seeking women and girls, including pregnant women and children, have been arrested and detained

without access to legal assistance and that police officers have extorted bribes from undocumented migrants. Please also comment on the reports that although, in principle, the law of Angola allows refugees to be naturalized after 10 years of residence, if they have no criminal record, in practice refugee and Stateless women are refused citizenship owing to difficulties in obtaining documents to prove their residency status.

Marriage and family relations

23. The report contains a reference to article 24 of the Family Code, under which adolescent girls and boys are permitted to marry, on an exceptional basis, at 15 and 16 years of age, respectively (para. 104). Please provide information on any efforts made to amend that article and to bring it into line with international standards, including article 16 (2) of the Convention. Please also specify measures that have been taken to change cultural attitudes to early marriage and polygamy through awareness-raising campaigns. Please provide information on steps taken to address discriminatory laws and practices with regard to matrimonial and inherited property.